IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO. 32642 OF 1998

DATED : JUNE 22, 2007

Between:

V.L. Narayana Reddy

Petitioner

AND

The State of Andhra Pradesh,
Rep. By its Secretary,
Higher Education Department,
A.P. Secretariat, Hyderabad and others

Respondents

THE HON'BLE MR. JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO. 32642 OF 1998

ORAL ORDER:

This writ petition is filed for the writ of mandamus

declaring action of the respondent No. 4 in proposing to fill up the vacancy of Junior Lecturer in Civics in Gurukul Junior College, Ghatkesar by following the method of direct recruitment while respondent No.1 is taking necessary action on the representation submitted by the petitoner on 20.10.1998 for permitting promotion or appointment by transfer of the petitioner in the said post as illegal, irregular and unjustified.

The petitioner at the relevant time was working as Assistant Teacher in Gurukul Junior College, Ghatkesar, which is evidently an aided Institution, which was initially High School and was upgraded into Junior College. The petitioner who claims to have all the qualifications to hold the post of Junior Lecturer, sought for his promotion. The respondent No.4 was permitted vide proceedings dated 1.8.1998 of the 2nd respondent to fill up the vacant post of Junior Lecturer in Civics and at the request of the petitioner made through his application dated 6.8.1998, the respondent No.4 vide his letter dated 27.8.1998, sought for permission to promote the petitioner as Junior Lecturer in Civics. However, in the meanwhile, the respondent No.1 issued a Memo dated 26.10.1998 to respondent No.2 to furnish detailed report of it for taking further action. However, by proceedings dated

29.10.1998, the respondent No.2 informed respondent No.4 that as per existing Rules in Private Aided Junior Colleges, no provision for promotion from the teachers of High Schools under the same Management is made available and, therefore, the request for promotion of petitoner as Junior Lecturer in Civics is not feasible.

Questioning this communication, the petitoner filed this writ petition.

No counter affidavit has been filed by the respondents.

Heard Ms. Hema Bindu, representing the learned counsel for the petitioner and the Assistant Government Pleader for Higher Education.

The learned counsel for the petitioner submitted that even though the first respondent was seized of the matter by calling for required information, on the petitioner's request for promotion, the respondent No.2 hurriedly issued the impugned Memo, which according to the learned counsel for the petitioner, is liable to be set aside.

I have not felt persuaded to accept this contention of the learned counsel for the petitioner. It is not the case of the petitoner that there is any rule in existence under

which a person working in a Private Aided School is entitled for promotion to the post of Junior Lecturer in a college run by the same Management. Merely because, the petitioner holds qualifications required for promotion to the post of Junior Lecturer, he has no legal right to insist for his appointment to the post of Junior Lecture. Even if the petitioner holds required qualifications, it is always open to him to apply as and when applications are called for, for filling up the post by direct recruitment. In the absence of rules, providing for appointment of a teacher as a Lecturer in a Junior College, the Government cannot take any decision in favour of the petitioner. Mere pendency of the representation before the government cannot be a ground for the respondent No.2 to defer the decision to fill up the post of Junior Lecturer. I do not see any error in the impugned communication warranting interference.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No order as to costs.

C.V. Nagarjuna Reddy, J.

June 22, 2007
MAS